IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4982 of 2006
Date of decision : 21.9.2006.

Baldev Raj.

.....Petitioner.

Versus

Dr. Subhash Chander Sharma.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.R.S.Bajaj, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 29.7.2006 passed by the learned Civil Judge (Jr. Divn.),Jalandhar rejecting the application moved by the petitioner for appointment of revenue expert as Local Commissioner to demarcate the property in dispute.

The learned trial Court has noticed that the petitioner has earlier moved a similar application, which was dismissed. It has also been observed that Courts cannot be used to collect evidence by appointing the Local Commissioner.

The learned counsel for the petitioner contends that the dispute is such that no evidence can be led in absence of demarcation.

There is no force in this contention of the learned counsel for the petitioner. The parties can lead evidence and Courts cannot be used for collecting evidence as is sought to be done, especially when the earlier application on the same ground has been dismissed.

Dismissed.

September 21,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**